IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital the 17th day of December ,2002

Criminal Misc. Bail Application Number 1181 of 2002

Order on the Bail Application

CRIMINAL SIDE

Jagdish Samdar son of Sri Janak Samdar and (2) Siriya Mandal son of Nitin Mandal, both residents of Bengali Colony, P.S. Nanakmatta, District Udham

……..……..Applicant(s)

Versus

State of Uttaranchal. ……Opposite Party.

Arising out of- Case Crime No. 386 of 2002,
Under sections 147, 323, 302, 504, 506/34 of I.P.C.,
P.S. Nanakmatta,
District Udham Singh Nagar

By the Court

Hon'ble Irshad Hussain, J.

Heard the learned counsel for the applicant-accused and the learned Assistant Government Advocate.

According to the argument the genesis of the occurrence is doubtful. The death of the victim was the outcome of the mob violence. It cannot be said at this stage as to which of the accused caused fatal injuy. Considering totality of the circumstances of the case, in my view it is a fit case for bail.

Let the applicant Jagdish Samdar son of Sri Janak Samdar and (2) Siriya Mandal son of Nitin Mandal, both residents of Bengali Colony, P.S. Nanakmatta, District Udham be released on bail in case crime no.386 of 2002, under sections 147, 323, 302, 504, 506/34 of I.P.C., P.S. Nanakmatta, District Udham Singh Nagar on his filing a personal bond and adequate sureties to the satisfaction of C.J.M., Udham Singh Nagar.

(Irshad Hussain, J.)

17.12.2002/B.